

HONORABLE Robert J. Bryan

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NO. 3:19-cv-05795-RJB

RUSSELL R. WILLS, and  
MICHELE ERICKSON  
Plaintiffs

v.

CITY OF DUPONT POLICE DEPARTMENT  
CITY OF DUPONT  
Defendant.

PLAINTIFFS, RUSSELL R. WILLS AND  
MICHELE ERICKSON'S REPLY  
OPPOSING DEFENDANT, CITY OF  
DUPONT POLICE DEPARTMENT AND  
CITY OF DUPONT'S FED.R.CIV.P. 12(b)  
(6) MOTION TO DISMISS,

NOTE ON MOTION CALENDAR:  
Friday, July 10, 2020

COMES NOW Plaintiffs Russell R. Wills and Michele Erickson submits the following  
Reply Opposing City of DuPont Police Department and City of DuPont's Fed. R. Civ. P.  
12(b)(6) Motion to Dismiss.

It was clearly stated at the beginning of the traffic stop conducted by Officer Goss with the  
City of DuPont Police department, on August 21, 2016 by Michele Erickson, that her  
passenger, Russell Wills was in the midst of a severe mental breakdown from a Bi-Polar,  
Rapid Cycling episode; compounded by the infection in his jaw and thus explaining his  
somewhat erratic behavior.

PLAINTIFFS, RUSSELL R. WILLS AND MICHELE  
ERICKSON'S REPLY OPPOSING DEFENDANT'S CITY  
OF DUPONT POLICE DEPARTMENT AND CITY OF  
DUPONT'S MOTION TO DISMISS - 1

**Russell R. Wills and Michele Erickson**  
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1 The fact that Officer Goss willfully ignored that is a clear violation of our civil rights and  
2 Russell should have been protected by Title II of the ADA.

3  
4 The Other City of DuPont personnel that were involved were as equally inappropriate and  
5 aggressive in an antagonist fashion. It was beyond clear that Russell was in mental distress.  
6 To further add insult, Michele was hand-cuffed and illegally detained and placed in a  
7 police car while the entire personnel on the scene ignored what was truly going on. The  
8 fact that Russell was ever arrested given the unique circumstances of his mental health at  
9 that point, is absolutely ludicrous to say the very least. He should have been taken to a  
10 hospital or at least been given adequate medical attention at the Pierce County Jail, which  
11 he did not.

12 Again, it should be stated that the violations were explicitly in relation to Title II of the  
13 Americans with Disabilities Act. Mr. Wills is on Social Security Disability for Mental  
14 Health issues and is undeniably protected under this act and should be treated as such.

15  
16 Furthermore, the institution of a mandatory re-training program for officers at the City of  
17 DuPont on how to handle individuals with Mental Health issues is relevant thus proving  
18 that what occurred was completely handled wrong. As per the admission in the email from  
19 Ted Danek (which is already filed on this case), these implementations were a direct result  
20 from what we endured during the incident. There should be no question as to the  
21 violation of our civil rights.  
22

1 Miss Erickson and Mr. Wills were treated like base criminals and social deviants of some  
2 sort and this behavior was completely unwarranted. We strive to be upstanding members of  
3 our community and expect to be treated as such.

4  
5 We would appreciate it if these matters once again were taken under extreme consideration.  
6 We are not attorneys but are absolutely in the right in this situation from any standpoint  
7 presented.

8  
9 Thank you for your time and consideration on this matter.

1 We declare under penalty under the laws of the State of Washington that the foregoing is true  
2 and correct to the best of our knowledge.

3 DATED this 6th day of July, 2020.

4 RUSSELL R. WILLS, Pro Se  
5 MICHELE ERICKSON, Pro Se

6 By: s/Russell R. Wills, s/Michele Erickson  
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PLAINTIFF, RUSSELL R. WILLS AND MICHELE  
ERICKSON'S REPLY OPPOSING CITY OF DUPONT  
POLICE DEPARTMENT AND CITY OF DUPONT'S  
MOTION TO DISMISS- 4

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CERTIFICATE OF SERVICE

On July 6th, 2020, I hereby certify that I electronically filed the foregoing REPLY OPPOSING DEFENDANT'S CITY OF DUPONT POLICE DEPARTMENT AND CITY OF DUPONT'S MOTION TO DISMISS with the Clerk of the Court using the CM/ECF system, which forwarded a true and accurate electronic copy to the following:

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PLAINTIFF, RUSSELL R. WILLS AND MICHELE  
ERICKSON'S REPLY OPPOSING DEFENDANT CITY OF  
DUPONT POLICE DEPARTMENT AND CITY OF  
DUPONT'S MOTION TO DISMISS - 5

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